IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

LA.App..No. 828 of 2007()

LAR.450/1997 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT

THE SPECIAL TAHSILDAR,
L.A.N.H.II, KOZHIKODE.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS: CLAIMANT & RESPONDENT

KALLURUTTY VAYALIL KAKKATHIRUTHI
-VENUGOPALAN, P.O.THALAKULATHOOR,
KOZHIKODE TALUK.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.No. 828 of 2007

Dated this the 22nd day of June, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal filed against the judgment and decree dated 18-2-2005 in L.A.R.No.450/1997 on the file of the Sub Court, Kozhikode. The acquisition is for Calicut Bye-pass. It is seen that the Reference Court had originally fixed the land value at Rs.30,000/- per cent and this court in appeal had remitted the matter to the Reference Court with liberty to both parties to adduce evidence as per judgment in L.A.A.No.542/2001. After remand it is seen that both sides have not adduced any fresh evidence. However, on the basis of the available evidence the court below has reduced the value to Rs.25,000/- per cent. It is seen that the value has been fixed based on Ext.A2 assignment deed executed on 29-3-1995. In the absence of any contra evidence, we are of the view that the fixation of market value at the rate of Rs.25,000/- per cent is just, reasonable and proper. Thus there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.